COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: October 14, 2009

OFFICE CORRESPONDENCE FILE NO. SH2241636

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY HERIBERTO GUTIERREZ #[redacted]
DEPUTY THOMAS OSTEEN #[redacted]
COPS BUREAU

On April 7, 2009, COPS Bureau Deputies Heriberto Gutierrez and Thomas Osteen, Unit 20N9, initiated a traffic stop of a black Honda Accord in the alleyway, east of [redacted] South Gerhart Avenue. The traffic stop was for some vehicle code violations in the East Los Angeles Station area. As the suspect vehicle stopped, a male adult, seated in the rear of the vehicle, rapidly exited the Honda on the passenger side and pointed a large handgun at the deputies. Deputy Gutierrez, in fear of his life and the life of his partner, fired three rounds from his Beretta 92F 9mm pistol at the armed suspect, missing him. The suspect fled the location, ran east and out of sight.

The female driver of the Honda, as well as her male companion who was seated in the front passenger seat, remained with their vehicle. Several deputies from East Los Angeles Station responded. They assisted in extracting the two individuals from the Honda, in addition to setting up a containment in an effort to apprehend the armed suspect.

Deputies set up a containment using personnel from East Los Angeles Station, Community College Bureau, Monterey Park Police Department, and Montebello Police Department. Canine Services Detail was requested and responded to the location.

A thorough search of the containment area was made, but the suspect successfully eluded capture. The neighborhood was canvassed for any possible witnesses to the incident, but no additional witnesses were located.

On October 8, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Heriberto Gutierrez #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Thomas Osteen #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw

TABLE OF CONTENT
SH2241636

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: NON HIT
SH2241636
URN 009-04142-0285-055

DATE / TIME / LOCATIONS:
Wednesday, April 7, 2009
1350 hours
[redacted] S. Gerhart Avenue, East Los Angeles - East Alley

SYNOPSIS:
On Wednesday, April 7, 2009, at approximately 1350 hours, an unidentified suspect, AKA Robert, pointed a handgun at Deputy Heriberto Gutierrez. Quick to respond, Deputy Gutierrez drew his duty weapon, and fired three rounds at the suspect. The suspect continued to point his weapon at Deputy Gutierrez as he fled the location. The suspect was not apprehended despite efforts.

COPS Deputy Gutierrez and Deputy Osteen were assigned as 20N9 on routine patrol in the East Los Angeles area. As they were traveling northbound on Gerhart Avenue, at the intersection of Beverly Boulevard, they noticed a black Honda Civic [redacted] in front of them with an expired registration tab.

They inputted the Honda's license plate number into the Mobile Digital Terminal (MDT) to confirm the vehicle's registration status. However, the return was slow and they agreed to stop the Honda. As they continued northbound on Gerhart Avenue, they activated their red light to initiate the traffic stop just north of the Beverly Boulevard intersection and south of Via San Delarro Street. Deputies Gutierrez and Osteen noticed the vehicle had slowed down, as if attempting to locate an available space to stop. They also noticed numerous vehicles parked along the east curb with no available parking.

The Honda proceeded north on Gerhart Avenue, passed Via San Delarro Street, and then made a right turn onto an alley way, parallel to Via San Delarro. The Honda slowed down as if to stop and then accelerated forward and made a quick left turn into an adjacent alley, parallel to Gerhart Avenue.

The Honda again slowed down as if to stop and then accelerated forward. The Honda did this motion an additional three times. As the Honda continued northbound in the alley, both Deputy Gutierrez and Deputy Osteen noticed the rear passenger, seated on the right side, was moving about the rear seat, looking back, and then placed his elbow out the window.

They speculated that the rear passenger was preparing to exit the vehicle and run. The Honda stopped approximately mid length of the alley and at that moment, the rear passenger in one continuous motion, exited the vehicle, and pointed a black hand gun at Deputy Gutierrez.

At the moment the rear passenger door opened, Deputy Gutierrez exited the patrol vehicle. He saw the suspect bring up a handgun and pointed it at him. Fearing he was going to be shot, Deputy Gutierrez immediately drew his duty weapon from his holster and fired three consecutive rounds at the suspect. The suspect continued his motion and ran eastbound behind a six foot cinder brick wall, and through an apartment complex.

After the Honda stopped, Deputy Osteen brought the patrol vehicle to a stop when he noticed the rear passenger exit the Honda, and point a handgun at his partner, Deputy Gutierrez. By the time Deputy Osteen exited the patrol vehicle and brought up his duty weapon to sight level, the suspect had ran eastbound through an apartment complex.

Deputy Osteen and Deputy Gutierrez remained at their patrol vehicle with their duty weapons pointed at the two remaining occupants in the Honda. They radioed for assistance, advising they had just been involved in a shooting, and were holding two individuals at gun point.

Several deputies from East Los Angeles Sheriff Station responded and assisted in extracting the two individuals from the Honda, in addition to setting up a containment in an effort to apprehend the armed suspect.

The neighborhood was canvassed for any possible witnesses to the incident, but no additional witnesses were located. Deputies Galvan and Saucedo were delegated responsible of the incident and initiated an incident report (Exhibit A). Assisting Deputies documented their role in supplemental reports which are included as Exhibit B through Exhibit E, and included in OSS Detective [redacted] case report (Exhibit N).

Internal Affairs Bureau Lieutenant Scott Brickert was notified, and Sergeants Irma Chevalier and Scott Hill responded to the Command Post located at Montebello Intermediate School to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, and involved deputies.

IAB SHOOTING / FORCE TEAM:

Lieutenant Scott Brickert, Sergeant Irma Chevalier, and Sergeant Scott Hill

INVOLVED PERSONNEL:

Gutierrez, Heriberto- Deputy Sheriff, #[redacted]
Male Hispanic/[redacted] 6'0" 185 Right Handed

COPS Bureau - East Los Angeles Station Area I
Date of Employment: 04/19/2001
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT:

Unknown, AKA Robert
Male Hispanic / 30's
Approx 5'8" - 6'0" 200lbs
Brown Hair / Brown Eyes

SWORN WITNESSES:

Osteen, Thomas - Deputy Sheriff, #[redacted]
COPS Bureau - East Los Angeles Station Area I

CIVILIAN WITNESSES:

[redacted]
Female White
DOB: [redacted]

[redacted]
Male Hispanic
DOB: [redacted]

[redacted]
Male Hispanic
DOB: [redacted]

SUSPECT INJURIES:
Suspect Robert was not apprehended and there was no evidence he sustained any physical injury.

PERSONNEL INJURIES:
Deputy Gutierrez did not sustain any injury during this incident.

PHYSICAL EVIDENCE:
Forensic Identification Specialist Donna Brandelli responded to the location and photographed the scene and identified evidence items (refer to Exhibit E through Exhibit G).

Forensic Identification Specialist Martin Mutuc also responded to the location and conducted a technical investigation which included a sketch of the crime scene and an evidence list (refer to Exhibits J and K).

DISTANCE:
Approximately 20 feet

INVESTIGATORS OBSERVATIONS:
The location of the shooting was in an east alley parallel to Gerhart Avenue and perpendicular to Via San Delarro. The alley is an asphalt paved road with homes and apartment complexes on both the west and east side of the alley. There were numerous vehicles parked about the residential complexes. Additionally, garbage cans were scattered along the alley.

The patrol vehicle was facing northbound parallel to the north rear of address [redacted] S. Gerhart Avenue. A black Honda Civic was parked approximately 13 feet in front of the patrol vehicle, also facing northbound (refer to Exhibit F).

REVIEW OF RADIO TRANSMISSIONS:
Sergeant Chevalier reviewed the radio transmission initiated by Deputy Gutierrez (refer to Exhibit L. The recording starts at 1350 hours in which SCC is advising a not related unit that there is no record of a Oklahoma plate. 23 seconds into the recording, Deputy Gutierrez requested 10-33 clearance and advised he was involved in a shooting in the alley, north of Beverly Boulevard, south of Frank. SCC repeats the information and Deputy Gutierrez advised that a 417 suspect ran from him and gives a brief description. Approximately 1 minute 53 seconds into the recording, SCC asked for confirmation of

Deputy Gutierrez' location and asked if he was in the alley north of Beverly, south of Frank. Deputy Gutierrez advised it's Frank's Liquor and SCC repeats the location to be north of Beverly and south of Frank's Liquor. At 2 Minutes 25 seconds into the recording, Deputy Gutierrez advised of the exact location, the rear alley at [redacted] S. Gerhart Avenue.

> **IAB Note:** Frank's liquor is located on the Southwest corner of Beverly Boulevard and Gerhart Avenue at 5742 Beverly Boulevard. Deputy Gutierrez' and Deputy Osteen's position was approximately 421 yards northeast of the intersection (refer to Exhibit H).

LIGHTING AND WEATHER CONDITIONS:

It was a clear afternoon when the incident occurred at approximately 1345 hours.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy Heriberto Gutierrez

Service Weapon Type:	Beretta, 92FS, Semiautomatic Pistol
Rounds Fired:	3
Ammunition:	9mm Luger
Date Employee Last Qualified:	[redacted]

Deputy Gutierrez' weapon was examined, test fired, and found to be functional and within Department standards by the Los Angeles County Sheriff's Department Scientific Services Bureau, Firearms Identification Section, under lab receipt number K040853 (refer to Exhibit M).

WEAPON USED BY SUSPECT:

No physical evidence was located that indicated the suspect fired a handgun.

PROPERTY DAMAGE:

One bullet hole located on a the suspect's vehicle, black 1998 Honda Civic license plate number [redacted]

One bullet hole located on a near by van, license plate number [redacted] 

One bullet hole located on a green plastic garbage can.

The damage to these areas were in the line of fire when Deputy Gutierrez fired his duty weapon at the suspect.

CRIMINAL INVESTIGATOR / CHARGES FILED:

Investigator: Detective [redacted]

Charges: 245(d)(1) PC, Assault on a Peace Officer - Case was not presented to the district attorney's office as the suspect was never identified

INVOLVED EMPLOYEE STATEMENTS:

Deputy **Heriberto Gutierrez** was interviewed on April 7, 2009, at 2136 hours, by Internal Affairs Bureau Sergeants Irma Chevalier and Scott Hill. The interview was conducted at the COPS Bureau East Los Angeles Office. Deputy Gutierrez declined representation and agreed to be interviewed. The interview was digitally recorded for review. The following is a summary of Deputy Gutierrez' view of the incident.

Deputy Gutierrez asserted that on the indicated date and time he and his partner, Deputy Thomas Osteen, were conducting regular patrol in the East Los Angeles area near Beverly Avenue and Gerhart Avenue. They saw three occupants in a 4-door black Honda Civic with an expired registration traveling northbound on Gerhart Avenue. Deputy Gutierrez ran the vehicle via his Mobile Digital Terminal (MDT) but did not receive an immediate return on the vehicle.

Nonetheless, Deputy Gutierrez and his partner elected to conduct a traffic stop just north of the Beverly Boulevard intersection. Approximately 10 to 15 seconds after they activated their red forward light, the Honda made a right turn into an alley. Deputy Gutierrez had noticed there was no place for the Honda to stop on Gerhart Avenue and believed that was the reason why the driver turned into the alley.

Once in the alley, the Honda continued to travel eastbound, so they activated all their lights, to ensure the driver was aware of their presence. However, the Honda continued to travel eastbound, intermittently slowing down then speeding up. The Honda then turned left into another alley way (parallel to Gerhart Avenue) and maintained a steady pace of approximately 20 to 25 mph.

Deputy Gutierrez also noticed the rear passenger (suspect AKA Robert), seated in the right rear seat, continuously looked back. Deputy Gutierrez initially thought it was the typical reaction of passengers to look back when they are being pulled over. However, as the suspect kept looking back, and placed his right elbow out of the window, Deputy Gutierrez speculated the suspect was preparing to run from the vehicle and he relayed that information to his partner Deputy Osteen. Deputy Gutierrez estimated the Honda traveled approximately 50 yards before coming to a stop. Deputy Gutierrez did not perceive to be in pursuit despite the fact that the Honda did not initially stop in the first alley. Additionally, Deputy Gutierrez indicated he did not think about radioing for assistance as his focus was to maintain a visual on the suspect.

The Honda stopped approximately mid-block and the suspect immediately exited the vehicle. As the suspect opened his door, Deputy Gutierrez exited the patrol vehicle. The

suspect partially turned to his right toward the patrol vehicle and made eye contact with Deputy Gutierrez. In a continuous forward movement, the suspect brought up a black semi-automatic pistol to his mid-stomach level and pointed it at Deputy Gutierrez. While positioned in the V-space between the patrol car door and the door frame, Deputy Gutierrez saw the barrel of the suspect's weapon pointing at him. Deputy Gutierrez feared he was going to be shot, and immediately drew his weapon and fired three rounds from his duty weapon (Beretta 92FS).

The suspect continued to point his weapon at Deputy Gutierrez as he (the suspect) quickly walked away from the Honda, behind a retaining brick wall that was parallel to the his path. Deputy Gutierrez sensed the suspect knew the area, as he did not hesitate upon exiting the Honda.

Deputy Gutierrez stated he did not pursue the suspect and maintained his position behind the door. He noticed Deputy Osteen also maintained his position behind the driver's door. Deputy Gutierrez explained he was fully aware that the two occupants may also be armed and therefore held them at gunpoint. They instructed the two occupants to keep their arms up and they immediately complied. Additionally, Deputy Gutierrez was mindful that the suspect may double back, and related that information to Deputy Osteen.

Deputy Gutierrez requested emergency clearance via his hand held radio and advised he had just been involved in a shooting.

> **IAB Note:** Refer to Exhibit L - Radio transmission

Deputy Gutierrez indicated there was a little confusion as to his exact location. He knew he was north of Beverly Boulevard, and near Frank's Liquor which is on Gerhart Avenue and relayed that information via his radio. Approximately a minute later, his partner asked a civilian for their address at which time he advised of their exact location.

> **IAB Note:** Refer to Exhibit B, a copy of Deputy Gutierrez' Supplement Report dated April 7, 2009, in addition to his transcribed interview.

SUSPECT'S STATEMENTS:

Suspect AKA Robert was never identified, nor apprehended.

SWORN WITNESS STATEMENT:

Thomas Osteen

Deputy Thoms Osteen was interviewed on April 7, 2009, at 2045 hours, by Internal Affairs Bureau Sergeants Irma Chevalier and Scott Hill. The interview was conducted

at the COPS Bureau East Los Angeles Office. Deputy Osteen declined representation and agreed to be interviewed. The interview was digitally recorded for review. The following is a summary of Deputy Gutierrez' view of the incident.

Deputy Osteen stated he and his partner, Deputy Gutierrez were traveling northbound on Gerhart Avenue, south of Beverly Boulevard when they saw the suspect's vehicle also traveling northbound, with an expired registration tab.

After the vehicle proceeded north of the Beverly Boulevard intersection, Deputy Osteen and his partner decided to conduct a vehicle stop and turned on the rotator lights of their patrol vehicle. The vehicle then made a right turn into the alley and Deputy Osteen believed the vehicle was going to stop. Deputy Osteen speculated the driver of vehicle pulled into the alley because she possibly thought it might be a safer area of contact.

However, the vehicle continued to drive eastbound and then made an abrupt left turn into an adjacent alley. Although the vehicle was driving under 25 mph, Deputy Osteen believed it was still faster than the conditions would require. He also noticed the vehicle was picking up speed, so he hit the air horn to ensure the driver was aware of their presence.

As the vehicle continued northbound, Deputy Osteen noticed the rear right passenger (suspect) extend his right arm out of the window. Deputy Osteen interpreted the suspect's gesture to signify that he was either going to shoot at them, or the suspect was discarding contraband; nonetheless, the suspect was preparing to do something.

At that point, Deputy Osteen relayed to Deputy Gutierrez something to the effect that he was going to put radio traffic out if the vehicle continued to travel. Shortly thereafter, he saw the suspect place his hand inside the vehicle and he was shuffling with the front passenger. Deputy Osteen noticed the driver was weaving through some garbage cans as she was driving in a left to right and vice versus manner.

Approximately three seconds later, the Honda stopped and the rear right passenger door opened. Deputy Osteen quickly brought the patrol vehicle to a stop and as he placed the patrol vehicle in park, Deputy Gutierrez was already exiting the vehicle. Deputy Osteen indicated he had already taken his weapon out of his holster and had it placed on his lap because he sensed something was going to happen.

As Deputy Osteen exited the patrol vehicle, he saw the suspect pointing a black semi-automatic handgun at Deputy Gutierrez. He then heard the three gun shots coming from Deputy Gutierrez' position. By the time Deputy Osteen lined up his sights, the suspect had taken cover behind a brick wall.

Deputy Osteen did not recall any conversation with Deputy Gutierrez, in which they advised one another that the suspect had a gun, but he later recalled the suspect's gestures were very obvious.

After the suspect exited the vehicle, it appeared to Osteen as if the driver was considering driving away, but once she heard the three rounds, her hands went up. Deputy Osteen indicated he and his partner put out radio traffic but they were not certain of their exact location and therefore advised they were in the alley east of Gerhart Avenue, near Frank's Liquor. Deputy Osteen indicated the East Los Angeles Deputies know the exact location to Frank's Liquor.

The responding deputies quickly coordinated a containment in an effort to locate the suspect.

Deputy Osteen indicated he and Deputy Gutierrez held their position at the patrol vehicle and were mindful that the suspect might double back, and therefore kept a watch on their surroundings, in addition to maintaining their visual on the occupants of the vehicle. Upon the arrival of the assisting units, the occupants were extracted and a search for the suspect was executed but he was never located.

> **IAB Note:** Refer to Exhibit C, a copy of Deputy Osteen's supplement report dated April 7, 2009, in addition to his transcribed interview.

CIVILIAN WITNESSES STATEMENTS:

[redacted]

Witness [redacted] was interviewed on April 7, 2009, at 2233 hours by Internal Affairs Bureau Sergeants Irma Chevalier and Scott Hill at the East Los Angeles Sheriff's Station.

Witness [redacted] indicated she had picked up her [redacted] Witness [redacted] at his work, [redacted] in Montebello. As they were traveling on Maple Street, Witness [redacted] saw his [redacted] Robert, and he asked if she could stop, which she did. After a brief conversation, Witness [redacted] was asked if she would be willing to give the suspect a ride home. Witness [redacted] agreed to give him a ride home, but before taking him home, they stopped in East Los Angeles, a home off of Gerhart Avenue, to pick up some marijuana. They left that location traveling northbound on Gerhart Avenue, and as they crossed the intersection at Beverly Boulevard, a black and white patrol unit drove up behind them and turned on its lights.

Witness [redacted] stated she immediately turned into an alley because there was no parking available on the street. As she slowed down to stop, the suspect continuously yelled at her not to stop, and to keep driving. Witness [redacted] became scared and

panicked. Although she never saw the suspect with a gun, she was not sure if he was going to hit her and shoot Witness [redacted] because he kept yelling at her not to stop.

As Witness [redacted] continued to drive, Witness [redacted] yelled at the suspect that it was wrong of him to include them in his personal troubles with the police, and they did not want to be part of it. She recalled hearing the suspect yell that he was "not going back" and she presumed he was referring to jail.

Witness [redacted] indicated she was afraid and therefore continued onto the adjacent northbound alley. She also recalled paying attention to her driving as there were trash cans in the alley and she did not want to hit them. Witness [redacted] estimated she traveled less than half the length of a football field when it occurred to her that if the suspect should harm her, the police were directly behind and would be a witness. At that point she slammed on the brakes to stop. The suspect immediately jumped out and headed directly toward a wall. As he was running, she heard approximately six gun shots coming from behind her and she instinctively ducked down.

Shortly thereafter, the deputies ordered her to place her hands in the air and then ordered her to turn off the car, which she did. Witness [redacted] indicated she has never seen the suspect prior to this incident and does not know where he lives.

IAB Note: Refer to Witness [redacted] transcribed interview.

[redacted]

Witness [redacted] was interviewed on April 7, 2009, at 2300 hours by Internal Affairs Bureau Sergeants Irma Chevalier and Scott Hill at the East Los Angeles Sheriff's Station.

Witness [redacted] indicated a female [redacted] drove him to his place of employment in Montebello [redacted] to address some work issues. As they left the location, he and Witness [redacted] encountered Witness [redacted] "Robert" (suspect). Witness [redacted] described the suspect as an acquaintance he met on the streets but did not know his last name.

Witness [redacted] told the suspect he was going to purchase some marijuana in East Los Angeles and asked if he wanted to join them. The suspect agreed and they went to a home in East Los Angeles on Gerhart Avenue. After they smoked a joint, they were going to drop the suspect off at the intersection of Garfield Avenue and Pomona Street.

However, as they proceeded northbound Gerhart Avenue and entered the intersection at Beverly Boulevard, they noticed a patrol vehicle behind them. After traveling a block, Witness [redacted] advised they were being pulled over and she drove into the first alley. As she slowed down to stop, she and the suspect started to yell at one another.

Witness [redacted] did not recall hearing the suspect tell Witness [redacted] to keep driving, he was just yelling that he was going to get out and run.

Witness [redacted] described both Witness [redacted] and the suspect as "panicky." He sensed Witness [redacted] did not want the suspect to get out and run and believed the suspect panicked because he did not want to get in trouble with the police.

Witness [redacted] continued to drive a short distance and they turned left into the adjacent alley. Witness [redacted] drove between 5 to 10 miles per hour for a short distance until she decided to stop.

As Witness [redacted] stopped the vehicle, the suspect opened the rear passenger door and ran away. Witness [redacted] immediately heard two gun shots. At which time he quickly looked back and only saw the patrol vehicle and then instinctively ducked down as he did not want to be shot. Witness [redacted] stated he was holding his cell phone in his hands and threw it on the floor board so that the deputies could see his hands were free of a weapon.

Shortly thereafter, the deputies instructed them to place their hands out of the vehicle until they were ordered out of the vehicle.

IAB Note: Refer to Witness [redacted] transcribed interview.

[redacted]

Witness [redacted] was interviewed on April 7, 2009, by Field Deputies Alvarez and Amendola. Witness [redacted] relayed that he was cleaning the yard at [redacted] when he saw a male Hispanic crouching behind the garage, which is at the rear of the property.

IAB Note: [redacted] is located [redacted] from [redacted] S. Gerhart Avenue (refer to map attached to Exhibit D).

Witness [redacted] described the individual (suspect) as being between the ages of 20 to 25, 5'10" approximately 200-215 pounds, wearing a white t-shirt and blue jeans.

As Witness [redacted] encountered the suspect, he told him in Spanish that he was hiding from the police. Witness [redacted] also noticed the suspect was holding a black hand gun. Witness [redacted] indicated he walked away from the suspect, at which time the suspect jumped the fence that lead to [redacted] N. Hendricks Avenue.

IAB Note: Refer to Exhibit D - Deputies Alvarez and Amendola's Supplemental Report with attached map.

Los A geles County Sheriff's Dep tment

Officer Involved Shooting

Report Date: April 7, 2009	Bureau/Station/Facility: COPS Bureau - ELA	Admin. Invest.? ☐	Hit? ☐

Incident Information

URN: 009-04142-0285-055	Date: April 7, 2009 Time: 1350 hours
City or Station: East Los Angeles	Nature of Incident: Deputy Gutierrez and Deputy Osteen were conducting a traffic stop in the alley parallel to [redacted] Gerhardt Ave. As the vehicle came to a stop the rear right passenger (suspect) exited the vehicle while pointing a handgun at Deputy Gutierrez. Deputy Gutierrez immediately identified the threat and fired three shots at the suspect. The suspect did not appear to have been struck, and he fled the location.
Location: Alley East of [redacted] Gerhardt Avenue, East Los Angeles	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **(Residence)** (circled), Rural, School, Street, Other: Alley

Lighting (*circle only one*): Darkness, **(Daylight)** (circled), Other, Street Lights

Weather (*circle only one*): **(Clear)** (circled), Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, **(Armed Person)** (circled), **(Fleeing Suspect)** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, **(Traffic Stop)** (circled), Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ________

Initiated by (*circle only one*): Arrest Warrant, Call, **(Observation)** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)** (circled)

Aero Unit? ☐ Canine Unit? ☒

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
3	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Osteen	Thomas		EM PM **(Day)**	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Wyman	Donald	A.	**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Dickey	Randall	P.	**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Wyman	Donald	A.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Dickey	Randall	P.

PSTD Use Only
SH # 2241636

Officer Involved Shooting

URN: 009-04142-0285-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
April 7, 2009	1500	04/15/09	

Employee #	Last Name	First Name	M.I
[redacted]	Chevalier	Irma	T.
[redacted]	Hill	Scott	G.
[redacted]	Brickert	Scott	J.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S #1	E #1	FH	ZZ	WW	N	N	NN	
E #1	S #1	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 009-04142-0285-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Gutierrez	First Name: Heriberto	M.I.: C.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: COPS Bureau - ELA	Work Assignment (Unit #, Module, etc.): 20 N 9
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6'2 Weight: 265			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted] Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]	Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9 mm # Shots: 3	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐ Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:	Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐ Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:	Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 009-04142-0285-055

Suspect Information

S 1

Last Name: Unknown	First Name:	M.I.:
AKA Last Name: Robert	First Name:	M.I.:
Sex: M Race: H	Street Address:	City: / State & Zip Code:
Work Phone:	Home Phone:	Social Security #: / Driver's License #:
Age: 30's D.O.B.:	Height: 5'8" Weight: 200	FBI #: / CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐ / Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ / Criminal History? ☐
Vehicle Make:	Model:	Year:

S 1

Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]
AKA Last Name:	First Name:	M.I.:
Sex: F Race: H	Street Address: [redacted]	City: [redacted] / State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted] / Driver's License #: [redacted]
Age: D.O.B.: [redacted]	Height: [redacted] Weight: [redacted]	FBI #: [redacted] / CII #: [redacted]
Booking #: [redacted]	Primary Charge: 245(d)(1)PC- ADW of Peace Officer	Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐ / Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐ / Criminal History? [redacted]
Vehicle Make: Honda [redacted]	Model: Civic	Year: 1998

S 3

Last Name: [redacted]	First Name: [redacted]	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted] / State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted] / Driver's License #: [redacted]
Age: D.O.B.: [redacted]	Height: [redacted] Weight: [redacted]	FBI #: [redacted] / CII #: [redacted]
Booking #: [redacted]	Primary Charge: 245(d)(1)PC- ADW of Peace Officer	Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐ / Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐ / Criminal History? [redacted]
Vehicle Make:	Model:	Year:

S ___

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: / State & Zip Code:
Work Phone:	Home Phone:	Social Security #: / Driver's License #:
Age: D.O.B.:	Height: Weight:	FBI #: / CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐ / Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ / Criminal History? ☐
Vehicle Make:	Model:	Year:

See Other Side